

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERIC S. BOWKER,

Plaintiff,

v.

CASE NO: 04-CV-74825-DT

UNITED STATES OF AMERICA,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION GRANTING DEFENDANT'S
MOTION TO DISMISS**

This matter is before the court on Defendant's Motion to Dismiss (Docket #5). This matter was referred to United States Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report, the magistrate judge recommended that this court grant Defendant's motion. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the magistrate judge's Report and Recommendation, Defendant's Motion to Dismiss is GRANTED.

S/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 19, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 19, 2005, by electronic and/or ordinary mail.

S/Lisa G. Teets

Case Manager and Deputy Clerk

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

